

**In the  
Indiana Supreme Court**

<b>STATE OF INDIANA</b>	)	<b>Supreme Court No. 65S00-0603-SJ-81</b>
	)	
<b>vs.</b>	)	
	)	<b>Case No. 65C01-9104-CF-8</b>
<b>JAMES P. HARRISON</b>	)	<b>in the Posey Circuit Court</b>

**ORDER APPOINTING SPECIAL JUDGE**

Comes now the Hon. James M. Redwine, Judge of the Posey Circuit Court, and on his own motion presents this cause to the Court for consideration of the appointment of a special judge. On January 22, 2004, the Hon. Sarah Evans Barker, Judge of the United State District Court for the Southern District of Indiana, issued a Final Judgment and Writ of Habeas Corpus requiring the defendant release by the State of Indiana unless within sixty (60) days a new trial is set before an impartial judge. *Harrison v. Anderson*, 300 F.Supp.2d 690 (S.D. Ind. 2004). On March 5, 2004, a stay was issued, which was continued on July 9, 2004, during the pendency of the State's appeal and until the Court of Appeals' mandate. The Seventh Circuit Court of Appeals affirmed Judge Barker's ruling and issued its mandate on February 1, 2006. *Harrison v. McBride*, 428 F.3d 652 (7<sup>th</sup> Cir. 2005) (Reh. en banc denied).

And this Court, being duly advised, now finds that the interests of justice and the particular circumstances of this case warrant the appointment of a special judge by this Court to hear this matter in the Posey Circuit Court pursuant to Ind. Criminal Rule 13(D)(2).

IT IS, THEREFORE, ORDERED that the Honorable Carl A. Heldt is appointed as special judge to hear this matter in the Posey Circuit Court. This order vests jurisdiction in Judge Heldt. Pursuant to Ind. Criminal Rule 13(E), an oath of office is not required.

IT IS, THEREFORE, FURTHER ORDERED THAT Judge Heldt shall assume jurisdiction of this case and schedule a date for the trial of this cause before April 1, 2006. The date scheduled for the trial of this cause may be after April 1, 2006.

The Clerk of this Court is directed to forward notice of this Order to the Hon. James M. Redwine, Posey Circuit Court, Courthouse, P.O. Box 745, Mount Vernon, IN 47620-0745; to

the Hon. Carl A. Heldt, Vanderburgh Circuit Court, 825 Sycamore, #210, Evansville, IN 47708-1885; and to the Clerk of the Posey Circuit Court.

The Clerk of the Posey Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this \_\_\_\_\_ day of March, 2006.

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Acting Chief Justice of Indiana